

Amendment No. 2 to SB2995

**Burchett
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2995*

House Bill No. 2930

By deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 47-18-1602, is amended by deleting the section in its entirety, and by substituting instead the following language:

Section 47-18-1602. In addition to the remedies provided in §47-18-2501 for unsolicited advertising material sent by facsimile or e-mail, a violation of §47-18-1604 for those acts prohibited under §47-18-2501, shall be construed to constitute an unfair trade practice under the Consumer Protection Act compiled in part 1 of this chapter affecting the conduct of any trade, commerce or consumer transaction to the extent that:

(1) such unfair trade practice disrupts the normal flow of business of the person who has received such unsolicited advertising material; or

(2) an entity who violates §47-18-1604 has engaged in a pattern or practice of refusing to comply with requests of those who have notified the initiator that the recipient does not want to receive any further unsolicited facsimile or e-mail messages from the initiator.

The person sending the unsolicited advertising material in violation of §47-18-1604 shall be subject only to the penalties and remedies as provided in this act.

SECTION 2. Tennessee Code Annotated, Section 47-18-1603, is amended by deleting the section in its entirety.

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SECTION 3. Tennessee Code Annotated, Section 47-18-1604, is amended by deleting the section in its entirety and by substituting instead the following language:

Section 47-18-1604. Any person who initiates any facsimile or e-mail message to a recipient who has previously notified the initiator, in accordance with §47-18-2501(b) and (c), clearly indicating that the recipient does not want to receive any further unsolicited facsimile or e-mail messages from the initiator, is liable to the state of Tennessee for a civil penalty of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). All such funds collected shall be deposited in the state general fund.

SECTION 4. This act shall take effect July 1, 2000, the public welfare requiring it.